

Decision **DRAFT DECISION OF ALJ SIMON** (Mailed 10/18/2004)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Eric Little,

Complainant,

vs.

San Diego Gas & Electric,

Defendant.

Case 04-08-011  
(Filed August 10, 2004)

**INTERIM OPINION CONFIRMING THE ASSIGNED COMMISSIONER  
AND ADMINISTRATIVE LAW JUDGE'S RULING  
ISSUING TEMPORARY RESTRAINING ORDER**

**1. Summary**

This order confirms the Assigned Commissioner and Administrative Law Judge's Ruling Issuing Temporary Restraining Order (TRO Ruling), dated October 15, 2004, and attached hereto as Appendix A.

**2. Discussion**

Pursuant to Art. XII, §§ 1-6 of the California Constitution, we have the authority to provide injunctive relief. We have reviewed the TRO Ruling and now confirm it. See Pub. Util. Code § 310.

**3. Comments on the Draft Decision**

Because this is an order pertaining to temporary injunctive relief, we may reduce or waive the 30-day comment period, pursuant to Pub. Util. Code

§ 311(g)(2) and Rule 77.7(f)(1) of the Commission's Rules of Practice and Procedure. We waive the comment period because the parties' legal positions are addressed in the TRO Ruling, and further factual development may not be undertaken in comments. See Rule 77.3.

#### **4. Assignment of Proceeding**

Geoffrey F. Brown is the assigned Commissioner and Anne E. Simon is the assigned Administrative Law Judge.

#### **Finding of Fact**

The Findings of Fact in the TRO Ruling are confirmed.

#### **Conclusion of Law**

The Conclusions of Law in the TRO Ruling are confirmed.

### **INTERIM ORDER**

#### **IT IS ORDERED** that:

1. The Assigned Commissioner and Administrative Law Judge's Ruling Issuing Temporary Restraining Order, dated October 15, 2004, attached hereto as Appendix A, is confirmed.
2. San Diego Gas & Electric Company (SDG&E) shall maintain the status quo during the pendency of this proceeding, or until further order of the Assigned Commissioner and Administrative Law Judge or the Commission.
3. SDG&E is restrained from performing any work, or having any work performed, on the project it is building, described in Advice Letter (AL) 1520-E and explained and expanded in the record of this proceeding, until this proceeding is concluded, or until further order of the Assigned Commissioner and Administrative Law Judge or the Commission.

4. SDG&E is restrained from performing any work, or having any work performed, on the project it is building known as the Scripps Lake Conversion Surcharge Undergrounding Project until this proceeding is concluded, or until further order of the Assigned Commissioner and Administrative Law Judge or the Commission.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

# **APPENDIX A**